

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**KENNETH COLE PRODUCTIONS (LIC), INC.
and KENNETH COLE PRODUCTIONS, INC.**

Plaintiffs,

V.

REACTION and MATTHEW CHO,

Defendants.

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Case No. 08-cv-5218-AKH

ECF CASE

JURY TRIAL DEMANDED

**DECLARATION OF ROBERT B. GOLDEN IN SUPPORT
OF PLAINTIFFS' MOTION FOR CONTEMPT**

I, Robert B. Golden, hereby declare as follows:

1. I am a partner at Lackenbach Siegel LLP, counsel for Plaintiffs Kenneth Cole Productions (LIC), Inc. and Kenneth Cole Productions, Inc., plaintiffs in the above-entitled action (“Plaintiffs”), am a member in good standing of the State Bar of New York and am admitted in this Court. The facts stated in this declaration are true to the best of my knowledge and, if called upon, I could and would testify to them.
2. Attached hereto as Exhibit 2 is a true and correct copy of the Consent Judgment, Order and Permanent Injunction (the “Injunction”) so ordered by United States District Court Judge Alvin K. Hellerstein on August 4, 2008.
3. Attached herewith as Exhibit 3 is a true and correct copy of correspondence between Plaintiffs and Defendants dated January 8, 2008.
4. Attached herewith as Exhibit 4 is a true and correct copy of correspondence between Plaintiffs and Defendants dated February 11, 2008.
5. Attached herewith as Exhibit 5 is a true and correct copy of correspondence between Plaintiffs and Defendants dated March 19, 2008.

6. Attached herewith as Exhibit 6 is a true and correct copy of correspondence between counsel for Plaintiffs and Defendants dated August 6, 2008, which notified Defendants that the Injunction was now a legally binding document.

7. Attached herewith as Exhibit 7 is a true and correct copy of correspondence between counsel for Plaintiffs and Defendants dated August 12, 2008.

8. Attached herewith as Exhibit 8 is a true and correct copy of correspondence between counsel for Plaintiffs and Defendants dated August 15, 2008.

9. Attached herewith as Exhibit 9 is a true and correct copy of correspondence between counsel for Plaintiffs and Defendants dated August 20, 2008.

10. Attached herewith as Exhibit 10 is a true and correct copy of correspondence between counsel for Plaintiffs and Defendants dated August 22, 2008.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

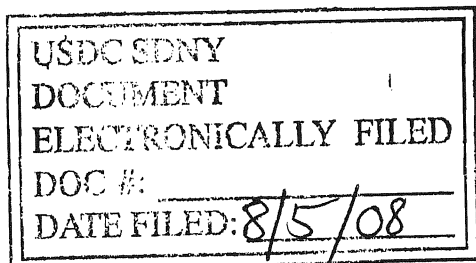
Executed on August 29, 2008 in Westchester County, New York.

Respectfully submitted:



ROBERT B. GOLDEN

EXHIBIT 2



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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH COLE PRODUCTIONS (LIC), INC. and
KENNETH COLE PRODUCTION, INC.

Plaintiff,

v.

REACTION and MATTHEW CHO,

Defendant.

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: Case No. 08-cv-5218-AKH
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: ECF CASE
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: ~~JURY TRIAL DEMANDED~~
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X

~~PROPOSED~~

CONSENT JUDGMENT, ORDER, AND PERMANENT INJUNCTION

Plaintiffs, Kenneth Cole Productions (LIC), Inc. ("KCPL") and Kenneth Cole Productions, Inc. ("KCP and collectively "Plaintiffs"), having filed and served a Summons and Complaint in the above-captioned action against defendants Reaction and Matthew Cho ("Defendants") on June 6, 2008; and

The named Defendants, together with C&K Clothing Company, shall be referred to collectively as Defendants.

Plaintiffs having served Defendants with the Summons and Complaint on June 11, 2008;
and

The parties having agreed to settle their dispute and this action by way of a Consent Judgment, Order, and Permanent Injunction in the form set forth below;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction over the subject matter; additionally, the Court has specified personal jurisdiction over the parties for the matters at issue in this suit.
2. Judgment on the issue of liability is hereby entered against Defendants, as follows:
 - A. Plaintiffs and their licensees license, manufacture and/or sell a wide variety of high-quality clothing, footwear, luggage, handbags, small leather goods, eyewear, jewelry, fragrances, watches, related goods, and other items (the "Goods").
 - B. The Goods are sold throughout the United States.
 - C. In connection with its Goods and other products, KCPL is the owner of a family of "REACTION" trademarks, including REACTION, RXN, KENNETH COLE REACTION, REACTION KENNETH COLE, KENNETH COLE REACTION RXN, and REACTION KENNETH COLE (Stylized) trademarks (the "Reaction Trademarks") for use in connection with the Goods.
 - D. KCP is, within certain categories of goods, KCPL's exclusive licensee for the Reaction Trademarks.
 - E. KCP and certain of KCPL's licensees have been using the Reaction Trademarks continuously in connection with their products in interstate commerce since at least as early as 1994; as such the Reaction Trademarks are currently in use.

F. In connection with the Reaction Trademarks, KCPL is the owner of the following United States Trademark Registrations (the "Reaction Registrations"):

Trademark	Serial #	Reg. #	IC	Goods
REACTION	75339869	2532363	9	Eyeglasses
REACTION	75339870	2189378	9	Sunglasses
REACTION	75108104	2345847	14, 25	Jewelry and Watches Clothing, namely, men's and women's socks and hosiery; men's neckwear; women's scarves; men's suits, sport-coats, dress slacks, casual slacks, jackets, coats, rainwear, dress shirts, knit shirts, woven sport-shirts, sweaters, denim jeans, underwear; women's suits, blouses, overcoats, rainwear, dress slacks, denim jeans, jackets, sweaters, underwear
REACTION	75156743	2248481	25	Footwear
REACTION	75941836	2602004	35	Retail store services featuring footwear, wearing apparel; luggage, handbags, small leather goods, business cases; eyewear; jewelry and watches; belts, scarves and neckwear; fragrances; accessories
REACTION	75450061	2666727	18	All purpose athletic bags, all purpose sport bags, attaché cases, briefcase-type cases, business card cases, calling card cases, credit card cases, document cases, key cases, overnight cases, toiletry cases sold empty, backpacks, baby backpacks, fanny packs, wrist packs, beach bags, book bags, school book bags, carry-on bags, clutch bags, diaper bags, duffel bags, leather shopping bags, mesh shopping bags, overnight bags,

Trademark	Serial #	Reg. #	IC	Goods
				shoulder bags, textile shopping bags, tote bags, handbags, straps for handbags, travel bags, garment bags for travel, change purses, clutch purses, coin purses, key cases, key fobs (leather), knapsacks, luggage, straps of luggage and suitcases
KENNETH COLE REACTION	78741595	3220801	14	Jewelry, clocks and watches, watch straps and bracelets, key rings of precious metal, money clips of precious metal; wall clocks, table clocks, alarm clocks, clocks incorporating radios; decorative items for the home made of precious metal or coated therewith, namely, bowls, platters, serving trays, chargers, jugs, plates, mugs, vases, cache pots, ice buckets, canisters, pencil cups, letter openers, desk trays, serving trays, decorative trays, candlesticks, candelabras, candle holders, candle rings, candle snuffers, candle trays, decorative boxes, jewelry boxes, jewelry cases, picture frames, decorative stands, decorative pedestals, cigarette cases, cigarette boxes, cigarette holders, cigarette lighters, ashtrays, nutcrackers, coffee pots, coffee services, tea pots, tea services, tea balls, tea infusers, serviette rings, napkin rings; works of art made of precious metal or coated therewith, namely, busts, figurines, statues, statuettes, sculpture
KENNETH COLE REACTION	75976921	2154344	9	Sunglasses
KENNETH	75975998	2068076	18	Handbags, tote bags, clutch bags,

Trademark	Serial #	Reg. #	IC	Goods
COLE REACTION				luggage, travelling bags, wallets, purses, coin purses, key cases, credit card cases and business card cases
KENNETH COLE REACTION	74479246	1991610	25	Footwear
KENNETH COLE REACTION	75977562	2186930	25	Clothing, namely, men's and women's socks and hosiery; men's neckwear; women's scarves; men's suits, sport-coats, dress slacks, casual slacks, jackets, coats, rainwear, dress shirts, knit shirts, woven sport-shirts, sweaters, denim jeans, underwear; women's suits, blouses, overcoats, rainwear, dress slacks, denim jeans, jackets, sweaters, underwear
KENNETH COLE REACTION	75100283	2237071	9	Eyeglasses
KENNETH COLE REACTION	75426573	2698003	35	Retail store services in the fields of footwear, wearing apparel, bags, accessories and related items
REACTION KENNETH COLE (STYLIZED)	75599230	2594660	35	Retail store services featuring footwear, wearing apparel; luggage, handbags, small leather goods, business cases; eyewear; jewelry and watches; belts, scarves and neckwear; fragrances; accessories
REACTION KENNETH COLE (STYLIZED)	75978961	2362439	3, 25	Cosmetics; skin soap; bath gel; bath salts; shampoo; non-medicated hair preparations; shaving cream, shaving balm; skin lotion; face powder; deodorants and antiperspirants; fragrances, namely, perfumes, colognes and toilet water Coats, jackets, overcoats, rainwear

Trademark	Serial #	Reg. #	IC	Goods
				and topcoats, suits, blazers, shirts, slacks, dresses, sweaters, jeans, t-shirts, sweatshirts, swim wear, shorts; underwear, loungewear, lingerie, robes and pajamas; neckwear, scarves, gloves, mittens, headwear, belts; footwear, socks and hosiery

- G. Fifteen (15) of the Reaction Registrations are incontestable pursuant to 15 U.S.C. § 1065.
- H. Defendants' use of the "REACTON" and "RXN" trademarks (the "Infringing Marks"), on or in connection with the name of Defendants' business (the "Infringing Services") and/or Defendants' clothing and related products (the "Infringing Goods") infringes Plaintiffs' Trademark Registrations, in violation of Lanham Act §§ 32, 15 U.S.C. § 1114.
- I. Defendants' use of the Infringing Marks on or in connection with the name of the Infringing Services and/or the Infringing Goods infringes Plaintiffs' Trademarks, falsely designates the origin of the Infringing Goods and Services, falsely describes such goods and unfairly competes with Plaintiffs, all in violation of Lanham Act § 43(a), 15 U.S.C. § 1125.
- J. Plaintiffs' Trademarks are famous and Defendants' conduct serves to dilute Plaintiffs' famous Trademarks, in violation of Lanham Act § 43(c), 15 U.S.C. § 1125(c).

- K. Defendants' infringement and dilution of Plaintiffs' Trademarks were willful.
 - L. Defendants' conduct violates the provisions of New York Gen. Bus. Law § 368-d, 349 and 133 and constitutes trademark infringement and unfair competition under the common law of the State of New York.
3. Defendants and their agents, officers, directors, servants, employees, their successors and assignees, and all others in active concert or participation with Defendants, including C&K Clothing Company and resellers and retailers of Defendants' Infringing Goods are immediately and permanently enjoined from directly or indirectly:
- A. Using Plaintiffs' Trademarks, the Infringing Trademarks, or any other marks or dresses which are similar to or are colorable imitations of Plaintiffs' Trademarks, alone or as a part of or together with any other designs, word or words, trademark, service mark, trade name, trade dress or other business or commercial designation or any logo, symbol or design, in connection with the sale, offering for sale, advertising, exhibiting at trade or similar shows, distributing or promoting of Goods, all products related to the Goods, and/or any business engaged in the manufacture, importation, distribution, offer for sale, advertisement, promotion, and/or sale of Goods;

- B. Representing by words or conduct that Defendants' Infringing Goods and/or Infringing Services are authorized, sponsored, endorsed by, or otherwise connected with Plaintiffs;
 - C. Committing any act which, in and of itself, or from the manner or under the circumstances in which it is done, amounts to false designation of origin, false description or false representation of Defendants' Infringing Goods and/or Infringing Services, whereby wholesalers, retailers and/or consumers of such products are deceived into believing that Defendants' Infringing Goods and/or Infringing Services, or related goods or services, emanate from Plaintiffs, or from a company that is sponsored, authorized, or endorsed by or connected with Plaintiffs;
 - D. Taking any action which is likely to put others in a position to sell or palm off the Defendants' Infringing Goods as the goods of Plaintiffs or to unfairly compete with Plaintiffs; and
 - E. Otherwise unfairly competing with Plaintiffs or committing infringement of Plaintiffs' rights.
4. Defendants are further Ordered to:
- A. Immediately deliver to Plaintiffs, under oath and for destruction, all clothing, labels, packaging, wrappers, receptacles, containers, advertisements, promotional materials, printing devices, molds, business

forms, catalogs, price sheets and/or all of the things in the possession, custody, or control of Defendants, which are or can be used to create and/or display the Infringing Marks and/or any name, mark or dress which is similar to and/or a colorable imitation of Plaintiffs' Trademarks, alone or together with any other suffix, prefix, word or words, trademark, service mark, trade name, trade dress or other business or commercial designation or any logo, symbol or design in connection with the manufacture, distribution, sale, offer for sale, advertisement or promotion of Defendants' clothing products and/or any clothing or footwear products related thereto;

B. Pursuant to 15 U.S.C. §1116(a), file with the Court and serve on Plaintiffs, within thirty (30) days after the service on Defendants of this Consent Judgment, Order, and Permanent Injunction a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with the injunction;

C. Pay to Plaintiffs twelve thousand five hundred dollars (\$12,500), in the following manner:
\$2,500 upon or before execution by the parties, and \$2,500 on or before the first of each month, commencing with a payment on or before September 1, 2008 and concluding with a payment on or before December

1, 2008. If Defendants fail to timely make any of the payments required by Consent Judgment, all remaining money owed shall become immediately due and owing.

- D. Immediately notify each of their past and present commercial associates, suppliers and customers, including manufacturers, wholesalers, and retailers, of this Consent Judgment, Order, and Permanent Injunction; and provide Defendants with copies of such notifications; and
 - E. Immediately provide Plaintiffs with an accounting of all commercial associates, suppliers and customers, including manufacturers, wholesalers, and retailers, to whom products bearing the Reaction Trademarks were sold or who otherwise played any role whatsoever in such products, including quantities, dates of sale, and contact details.
5. Provided Defendants faithfully adhere to each of the provisions of this Consent Decree, Plaintiffs have agreed to forego any monetary compensation for past acts of infringement other than that which is required by Paragraph 4 (c). However, in the event that Defendants do not faithfully adhere to each of the provisions of this Consent Decree, Defendants acknowledge that Plaintiffs are entitled to additional monetary compensation, including (without limitation) for acts of infringement occurring prior to the date of this Consent Decree. Moreover, in the event that it becomes necessary for Plaintiffs to enforce the terms of this Consent Decree,

FRD1:QHD

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Aug. 04 2008 12:34PM P1

Defendants agree and acknowledge that they shall be jointly responsible for all costs and fees (including, without limitation, reasonable compensation for the time of Plaintiffs' employees and attorneys fees) incurred by Plaintiffs in enforcing this Consent Decree, in addition to any other damages to which Plaintiffs may be entitled pursuant to applicable law.

6. This Court shall retain jurisdiction of this action for the purpose of enabling Plaintiffs to apply to the Court, at any time, for such further orders and directions as may be necessary or appropriate for the interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance, therewith and for the punishment of any violations thereof.

Kenneth Cole Productions (LIC), Inc.

By: Mona PeriniDated: 8/4/2008

Reaction

By: [Signature]Dated: 8/3/2008

Kenneth Cole Productions, Inc.

By: _____

Dated: _____

Matthew Cho

By: [Signature]Dated: 8/3/2008

SO ORDERED:
August 2008

Alvin K. Hellerstein, U.S.D.J.

FROM :CHO

FAX NO. :12133851959

Aug. 04 2008 12:34PM P1

Defendants agree and acknowledge that they shall be jointly responsible for all costs and fees (including, without limitation, reasonable compensation for the time of Plaintiffs' employees and attorneys fees) incurred by Plaintiffs in enforcing this Consent Decree, in addition to any other damages to which Plaintiffs may be entitled pursuant to applicable law.

6. This Court shall retain jurisdiction of this action for the purpose of enabling Plaintiffs to apply to the Court, at any time, for such further orders and directions as may be necessary or appropriate for the interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance, therewith and for the punishment of any violations thereof.

Kenneth Cole Productions (LIC), Inc.

By: _____

Dated: _____

Reaction

By: _____

Dated: 8/3/2008

Kenneth Cole Productions, Inc.

By: David P. EdenDated: 8-4-08

Matthew Cho

By: _____

Dated: 8/3/2008

SO ORDERED:
August 5 2008

Alvin K. Hellerstein
Alvin K. Hellerstein, U.S.D.J.

EXHIBIT 3

PAUL A. FRIEDMAN
ASSISTANT GENERAL COUNSEL

DIRECT DIAL: 212-373-5850
EMAIL: PFRIEDMAN@KENNETHCOLE.COM

Via Overnight Courier and E-mail: reactionwear@hotmail.com

January 8, 2008

Gavin Lee
Reaction
1015 S. Crocker Street #S-15
Los Angeles, California 90021

Re: Unauthorized use of federally-registered REACTION mark

Dear Mr. Lee:

Please be advised that Kenneth Cole Productions, Inc. and its affiliates and subsidiaries (collectively, "KCP") are the owner of all right, title and interest in and to the registered mark REACTION in classes encompassing a wide variety of goods and services, including apparel and footwear. While this is far from an exhaustive list, you may wish to acquaint yourself with the following United States trademark registrations:

Country	Reg. Owner	Reg. #	Classes
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2602004	35
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2189378	9
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2248481	25
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2345847	14, 25
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2532363	9
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2666727	18

KCP, additionally, has registrations in the REACTION mark around the world, as well as both domestic and international registrations for KENNETH COLE REACTION and REACTION KENNETH COLE (in stylized fonts and standard characters) to identify a wide variety of goods and services. In addition to its extensive portfolio of registered marks, KCP also has common law rights in the REACTION mark and derivatives thereof. As a result of these registrations and KCP's substantial investment in cultivating the REACTION brand, the REACTION designation has become associated exclusively with our company.

It has come to our attention that you are using the mark REACTION in connection with the offer for sale of apparel and possibly other items. It appears that you are using this name, in commerce, to offer products that are identical to those which are the subject of one or more of the aforementioned trademark registrations. Indeed, your business card invites users to contact you at reactionwear@hotmail.com, clearly indicating your use of the source designator REACTION in connection with articles of apparel.

Gavin Lee

January 8, 2008

Your use of the REACTION mark constitutes an impermissible violation of the aforementioned rights. You are hereby placed on notice that your activities in this respect constitute a violation of KCP's trademark rights.

Please confirm that you will immediately cease and desist use of the name REACTION, and that you will take immediate steps to turn over to us or to destroy all brochures, stationary, marketing pieces, hang tags, clothing, footwear, and other articles of commerce that bear the REACTION name (or a derivative thereof). If we do not receive written confirmation that you will voluntarily comply with our demands by the close of business on January 22, 2008, we will proceed with appropriate further action, including, if necessary, legal action to protect our rights.

We appreciate your cooperation in helping us to protect our marks and look forward to your timely reply. If you have any questions, please feel free to give me a call.

Very truly yours,

Paul A. Friedman

EXHIBIT 4

PAUL A. FRIEDMAN
ASSISTANT GENERAL COUNSEL

DIRECT DIAL: 212-373-5850
EMAIL: PFRIEDMAN@KENNETHCOLE.COM

Via Overnight Courier and E-mail: reactionwear@hotmail.com

February 11, 2008

Gavin Lee
Reaction
1015 S. Crocker Street #S-15
Los Angeles, California 90021

Re: Unauthorized use of federally-registered REACTION mark

Dear Mr. Lee:

On January 8, 2008, we wrote to you regarding your evident use of the REACTION mark (copy attached). Our letter put you on notice that Kenneth Cole Productions, Inc. and its affiliates and subsidiaries are the owner of all right, title and interest in and to the registered mark REACTION in classes encompassing a wide variety of goods and services, including apparel and footwear. Our letter asked that you immediately discontinue use of the REACTION mark, and also asked for the courtesy of a response not later than January 22, 2008.

We have, regrettably, received no response whatsoever to our letter. While it is always our preference to resolve matters amicably, KCP simply cannot tolerate the unauthorized use of our marks to sell products that are identical to those which are the subject of one or more of the trademark registrations described in the enclosed letter. Absent an immediate response to our letter, we will have little alternative but to pursue this matter through the appropriate avenues.

Very truly yours,

Paul A. Friedman

Enclosure

EXHIBIT 5

PAUL A. FRIEDMAN
ASSISTANT GENERAL COUNSEL

DIRECT DIAL: 212-373-5850
EMAIL: PFRIEDMAN@KENNETHCOLE.COM

Via Overnight Courier, Facsimile, and E-mail

March 19, 2008

Chief Executive Officer / President
Reaction
1015 S. Crocker Street #S-15
Los Angeles, California 90021

Re: Unauthorized use of federally-registered REACTION mark

Dear Sir/Madam:

On January 8, 2008 and again on February 11, 2008, we wrote to Mr. Gavin Lee of your company regarding your evident use of the REACTION mark in connection with articles of apparel. Our letters explained that Kenneth Cole Productions, Inc. and its affiliates and subsidiaries (collectively, "KCP") are the owner of all right, title and interest in and to the registered mark REACTION in classes encompassing a wide variety of goods and services, including apparel and footwear. While this is far from an exhaustive list, you may wish to acquaint yourself with the following United States trademark registrations:

Country	Reg. Owner	Reg. #	Classes
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2602004	35
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2189378	9
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2248481	25
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2345847	14, 25
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2532363	9
United States	KENNETH COLE PRODUCTIONS (LIC), INC.	2666727	18

KCP, additionally, has registrations in the REACTION mark around the world, as well as both domestic and international registrations for KENNETH COLE REACTION and REACTION KENNETH COLE (in stylized fonts and standard characters) to identify a wide variety of goods and services. In addition to its extensive portfolio of registered marks, KCP also has common law rights in the REACTION mark and derivatives thereof. As a result of these registrations and KCP's substantial investment in cultivating the REACTION brand, the REACTION designation has become associated exclusively with our company.

Our letters explained that it has come to our attention that you may be using the mark REACTION in connection with the offer for sale of apparel and possibly other items. It appears that you are using this name, in commerce, to offer products that are identical to those that are the subject of one or more of the aforementioned trademark registrations. Indeed, your business card invites customers to contact you at reactionwear@hotmail.com, clearly indicating your use of the source designator REACTION in connection with articles of apparel.

Chief Executive Officer / President
Reaction
March 18, 2008

Your use of the REACTION mark constitutes an impermissible violation of the aforementioned rights. You are, once again, placed on notice that your activities in this respect constitute a violation of KCP's rights.

Our letters asked that you immediately discontinue use of the REACTION mark, and also asked for the courtesy of a response not later than January 22, 2008. We have additionally sent repeated emails and made repeated telephone calls. Regrettably, we have never received a satisfactory response.

While it is always our preference to resolve matters amicably, KCP simply cannot tolerate the unauthorized use of our marks to sell products that are identical to those that are the subject of one or more of the trademark registrations listed above. **Absent an immediate response to our letter, we will have little alternative but to turn this matter over to external counsel to pursue you and your company for the full panoply of remedies available under pertinent law.**

Please confirm that you will immediately cease and desist use of the name REACTION, and that you will take immediate steps to turn over to us or to destroy all brochures, stationary, marketing pieces, hang tags, clothing, footwear, and other articles of commerce that bear the REACTION name (or a derivative thereof). If we do not receive written confirmation that you will voluntarily comply with our demands by the close of business on **April 1, 2008**, we will proceed with appropriate further action, including, if necessary, legal action to protect our rights.

Very truly yours,

Paul A. Friedman

EXHIBIT 6

Lackebach
INTELLECTUAL PROPERTY
ATTORNEYS SINCE 1923 **Siegel, LLP**

WRITER'S DIRECT DIAL
(914) 723-4394
rgolden@lsllp.com

August 6, 2008

Via DHL

Mr. Matthew Cho
Reaction
1015 South Crocker Street, #S-15
Los Angeles, California 90021

Re: *Kenneth Cole Productions (LIC), Inc. v. Reaction and Matthew Cho*
08 cv 5218 (AKH)

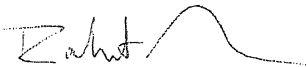
Dear Mr. Cho:

Enclosed herewith please find a copy of the consent decree endorsed by Judge Hellerstein. Please note that it is now a legally binding document, and we expect you to abide by the terms of the agreement. We will be monitoring closely.

Thank you.

Very truly yours,

LACKENBACH SIEGEL



Robert B. Golden

RBG/ns

Enclosure

EXHIBIT 7



WRITER'S DIRECT DIAL
(914) 723-4394
rgolden@lsllp.com

August 12, 2008

Via DHL

Mr. Matthew Cho
Reaction
1015 South Crocker Street, #S-15
Los Angeles, California 90021

Re: *Kenneth Cole Productions (LIC), Inc., et al. v. Reaction and Matthew Cho*
08 cv 5218 (AKH)

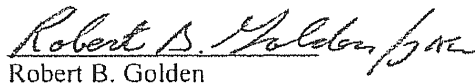
Dear Mr. Cho:

As we previously advised, the Court signed the Consent Judgment. Thus, the Consent Judgment is now a binding and enforceable order of the Court. We expect and demand that Defendants will strictly comply with each of the terms, conditions, and requirements of the Consent Order. As you know, among these requirements are that Defendants: "immediately" deliver to us for destruction all products, labels, packaging, catalogs, business forms and all other things which bear the REACTION or RXN trademarks or a derivation thereof (see paragraph 4A); "immediately" notify each of your past and present commercial associates, suppliers, and customers of the Consent Judgment (see paragraph 4D); and "immediately" provide us with an accounting (including contact details, quantities sold, and the other information required by the Consent Order) of each of your suppliers, manufacturers and customers to whom products bearing one or more of the Reaction Trademarks were sold or that otherwise played any role in connection with the products that are the subject of the Consent Order (see paragraph 4E).

By our letter dated August 6, 2008, we provided you with actual notice that the Court had signed the Consent Judgment and reminded you of your obligations pursuant to the Consent Order. Yet, you have failed to fulfill your immediate obligations under the Consent Order and, furthermore, have failed to respond to our aforementioned letter. If we do not receive the required materials and information by August 18, 2008, we will move the Court for an order finding Defendants in contempt; we will also seek all of our associated attorneys' fees and costs (see paragraph 5). While we hope this will prove unnecessary, please be assured of our intention to ensure that each of the parties strictly comport themselves with the Court's orders.

Very truly yours,

LACKENBACH SIEGEL


Robert B. Golden

RBG/jkw

O:\ Documents\Kenneth Cole Productions, Inc\2008\Nicole\Reaction\08.12 Letter to Matthew Cho.doc

EXHIBIT 8

August 15, 2008

Lackebach Siegel LLP

Lackebach Siegel Building

One Chase Road

Scarsdale, New York 10583

Dear Mr. Golden and Mr. Aronson,

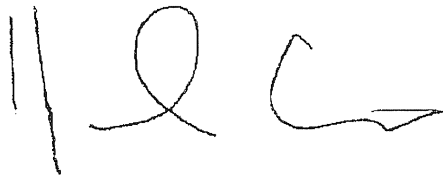
As I have already show you by my actions, I am doing my best to resolve this matter by signing a Consent of Judgment letter and sending you a payment of \$2500.00 (two thousand five hundred dollars). I cannot afford a lawyer and signed the papers without understanding most of the legal language.

Per your instructions I have destroyed all labels, packaging, catalogs, documents and everything else that had anything to do with your brand and have no documentation to provide.

Most of my business was private label and small boutiques anyway.

All of this has put a lot of stress on my family and I want to resolve this issue without any more problems and I am forced to close my business in the next few month. I will continue to make payments as promised and would like to ask you again to consider this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'M Cho', with a stylized flourish at the end.

Matthew Cho

1015 S. Crocker St. # S-15

Los Angeles, CA 90021

RECEIVED
AUG 18 2008

EXHIBIT 9

Lackebach
INTELLECTUAL PROPERTY
ATTORNEYS SINCE 1923 **Siegel, LLP**

WRITER'S DIRECT DIAL
(914) 723-4394
rgolden@lsllp.com

August 20, 2008

FAXED
8/20/08

Via Facsimile No. (213) 749-9888

Mr. Matthew Cho
Reaction
1015 South Crocker Street, #S-15
Los Angeles, California 90021

Re: *Kenneth Cole Productions (LIC), Inc. v. Reaction and Matthew Cho*
08 cv 5218 (AKH)

Dear Mr. Cho:

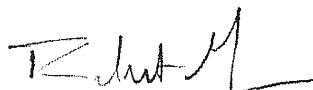
We are in receipt of and thank you for your letter dated August 15, 2008. It is not now, and has never been, Kenneth Cole Productions' goal to put you out of business. The goal from the start has been to put a stop to the infringement of the REACTION and RXN trademarks. To ensure that you and others do not infringe, as part of the Consent Judgment, you agreed to provide us with a list of the names of your customers and suppliers.

The information is very important and, as you know, your obligation to provide it is part of the Order signed by the Court. Thus, we once again ask that you immediately provide us with a list of your suppliers and customers for your REACTION and RXN branded goods. We are not asking for a list of customers for any private label goods. The only information we need relates to the REACTION and RXN branded goods. We presume your sales information is all contained in an accounting or billing program, such as QuickBooks. Thus, it should be very easy for you to print out the required information and send it to us.

Please send the information to me as soon as possible, and in any event no later than Monday, August 25, 2008. If you do not cooperate, we will have no choice but to ask the Court to hold you in Contempt of Court.

Very truly yours,

LACKENBACH SIEGEL



Robert B. Golden

EXHIBIT 10

August 22, 2008

Lackebach Siegel LLP

Lackebach Siegel Building

One Chase Road

Scarsdale, New York 10583

Dear Mr. Golden and Mr. Aronson,

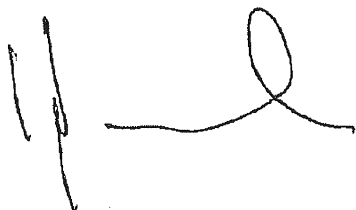
As per my last letter and your instructions I have destroyed all labels, packaging, catalogs, documents and everything else that had anything to do with your brand and have no documentation to provide.

I have already show you that I am willing to cooperate in any way I can and have followed all of your instructions.

This is putting so much stress on my family, including my pregnant wife that we have decided to close the business by the end of this month.

I have immigrated to USA for the opportunity to provide a better life for my family and I am sorry that I have, by mistake, used label that belongs to your client. I do not know what else to do after following all of your instructions. I will continue to pay my obligations to you and I am asking to please leave my family alone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Cho', with a stylized flourish at the end.

Matthew Cho

1015 S. Crocker St. # S-15

Los Angeles, CA 90021

